

REMARKS

The Office Action dated February 25, 2008 has been carefully reviewed, and the foregoing amendment has been made in consequence thereof.

Claims 1-25 and 27-41 are now pending in this application. Claims 1-25 and 27-41 stand rejected.

The rejection of Claims 1-25 and 27-41 under 35 U.S.C. § 103(a) as being unpatentable over “Networked VR System: Kitchen Layout Design for Customers” by Fukuda et al. (hereinafter referred to as “Fukuda”) in view of U.S. Patent No. 5,970,472 to Allsop et al. (hereinafter referred to as “Allsop”) is respectfully traversed.

Fukuda describes a networked virtual reality kitchen design system that allows customers to create a preliminary kitchen design on the Internet and to edit the preliminary design in three-dimensional space. After reviewing and editing the preliminary design on the Internet, customers are able to send the preliminary design to a showroom and to schedule a final review of the design with a design specialist in the showroom. During the final review session, customers are required to discuss detailed planning issues and budgeting issues with the design specialist in person. Notably, Fukuda does not describe or suggest displaying electronically, based upon an indication of at least one choice from among at least one available new building option, an amount of money remaining in a designated budget.

Allsop describes a method for performing electronic commerce on the Internet. The method includes establishing a Web Linked Dealer (WLD) that facilitates authorized sales of a given manufacturer’s products. The WLD has an online shopping website that is accessible from the manufacturer’s website. To operate the WLD, a server (50) is maintained with an Internet connection, and a number of order processing units (44-49) for processing product orders are maintained and operated on server (50). Each order processing unit (44-49) provides an electronic commerce interface by which a user can, through the WLD, purchase the manufacturer’s products. Each order processing unit (44-49) includes a shopping basket

application (51) that displays a current contents of a user's shopping basket. A shopping basket maintenance module (62) allows the user to edit the contents of the shopping basket. Notably, Allsop does not describe or suggest displaying electronically, based upon an indication of at least one choice from among at least one available new building option, an amount of money remaining in a designated budget.

Claim 1 recites a method of managing building options, the method including "obtaining from a first user an indication of at least one available new building option for constructing a new building; causing the at least one available new building option to be electronically accessible to a second user upon electronic transmission of a valid authorization by the second user; providing information electronically on the at least one available new building option to the second user; obtaining electronically from the second user an indication of at least one choice from among the at least one available new building option; displaying electronically, based upon the indication of the at least one choice, an amount of money remaining in a designated budget; and providing the indication of the at least one choice to the first user."

No combination of Fukuda and Allsop describes or suggests a method of managing building options as recited in Claim 1. More specifically, no combination of Fukuda and Allsop describes or suggests displaying electronically, based upon an indication of at least one choice from among at least one available new building option, an amount of money remaining in a designated budget. Rather, in contrast to the present invention, Fukuda describes requiring a customer to wait for a final design review session to discuss budgeting concerns with a design specialist in person, and Allsop merely describes a Web Linked Dealer that allows a user to maintain and edit the contents of an online shopping basket.

Accordingly, Claim 1 is submitted as being patentable over Fukuda in view of Allsop.

Claims 2-14 depend, directly or indirectly, from Claim 1. When the recitations of Claims 2-14 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-14 are likewise patentable over Fukuda in view of Allsop.

Claim 15 recites a system of managing building options, the system including “a first processor adapted to obtain from a first user an indication of at least one available new building option; and a second processor adapted to allow the at least one available new building option to be electronically accessible to a second user upon electronic transmission of a valid authorization by the second user, said second processor adapted to obtain electronically from said second user an indication of at least one choice from among the at least one available new building option, said second processor adapted to display electronically, based upon the indication of the at least one choice, an amount of money remaining in a designated budget, and said second processor adapted to provide the at least one choice to said first user.”

No combination of Fukuda and Allsop describes or suggests a system of managing building options as recited in Claim 15. More specifically, no combination of Fukuda and Allsop describes or suggests a second processor adapted to display electronically, based upon an indication of at least one choice from among at least one available new building option, an amount of money remaining in a designated budget. Rather, in contrast to the present invention, Fukuda describes requiring a customer to wait for a final design review session to discuss budgeting concerns with a design specialist in person, and Allsop merely describes a Web Linked Dealer that allows a user to maintain and edit the contents of an online shopping basket.

Accordingly, Claim 15 is submitted as being patentable over Fukuda in view of Allsop.

Claims 16-25 depend, directly or indirectly, from Claim 15. When the recitations of Claims 16-25 are considered in combination with the recitations of Claim 15, Applicant submits that dependent Claims 16-25 are likewise patentable over Fukuda in view of Allsop.

Claim 27 recites at least one program storage device readable by a machine, tangibly embodying at least one program of instructions executable by the machine to perform a method of managing building options, the method including “obtaining from a first user an

indication of at least one available new building option for constructing a new building; causing the at least one available option to be electronically accessible to a second user upon electronic transmission of a valid authorization by the second user; providing information electronically on the at least one available new building option to the second user; obtaining electronically from the second user an indication of at least one choice from among the at least one available new building option; displaying electronically, based upon the indication of the at least one choice, an amount of money remaining in a designated budget; and providing the indication of the at least one choice to the first user.”

No combination of Fukuda and Allsop describes or suggests a method of managing building options as recited in Claim 27. More specifically, no combination of Fukuda and Allsop describes or suggests displaying electronically, based upon an indication of at least one choice from among at least one available new building option, an amount of money remaining in a designated budget. Rather, in contrast to the present invention, Fukuda describes requiring a customer to wait for a final design review session to discuss budgeting concerns with a design specialist in person, and Allsop merely describes a Web Linked Dealer that allows a user to maintain and edit the contents of an online shopping basket.

Accordingly, Claim 27 is submitted as being patentable over Fukuda in view of Allsop.

Claims 28-40 depend, directly or indirectly, from Claim 27. When the recitations of Claims 28-40 are considered in combination with the recitations of Claim 27, Applicant submits that dependent Claims 28-40 are likewise patentable over Fukuda in view of Allsop.

Claim 41 recites a system for managing building options, the system including “means for obtaining from a first user an indication of at least one available new building option for constructing a new building; means for causing the at least one available new building option to be electronically accessible to a second user upon electronic transmission of a valid authorization by the second user; means for providing information electronically on the at least one new building option to said second user; means for obtaining electronically

from said second user an indication of at least one choice from among the at least one available new building option; means for displaying electronically, based upon the indication of the at least one choice, an amount of money remaining in a designated budget; and means for providing the indication of the at least one choice to said first user.”

No combination of Fukuda and Allsop describes or suggests a system for managing building options as recited in Claim 41. More specifically, no combination of Fukuda and Allsop describes or suggests means for displaying electronically, based upon an indication of at least one choice from among at least one available new building option, an amount of money remaining in a designated budget. Rather, in contrast to the present invention, Fukuda describes requiring a customer to wait for a final design review session to discuss budgeting concerns with a design specialist in person, and Allsop merely describes a Web Linked Dealer that allows a user to maintain and edit the contents of an online shopping basket.

Accordingly, Claim 41 is submitted as being patentable over Fukuda in view of Allsop.

Moreover, if art “teaches away” from a claimed invention, such a teaching supports the nonobviousness of the invention. See U.S. v. Adams, 148 U.S.P.Q. 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 U.S.P.Q. 2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. Applicant respectfully submits that Fukuda teaches away from the present invention and, as such, supports the nonobviousness of the present invention. More specifically, Fukuda describes requiring a customer to wait for a final design review session to discuss budgeting concerns with a design specialist in person. In contrast to the present invention, Fukuda does not describe or suggest displaying electronically, based upon an indication of at least one choice from among at least one available new building option, an amount of money remaining in a designated budget. As such, the presently pending claims are patentably distinguishable from the cited combination.

Additionally, the United States Supreme Court has recently held that obviousness rejections must be supported with “articulated reasoning with some rational underpinning to support the conclusion of obviousness.” See KSR International Co. v. Teleflex, Inc., 127 S. Ct. 1727, 1741 (2007). The present rejection does not appear to meet this standard as it reflects no articulate reasoning why the claims are believed to be obvious, but rather is merely stated in the form of a conclusion of obviousness. It is not believed that adequate reasons why the presently claimed invention is believed to be obvious have been provided on the present record.

Further, it is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the cited art using reconstruction to render the present invention obvious. The United States Supreme Court has recently expressed concern regarding distortion caused by hindsight bias in an obviousness analysis, and notes that factfinders should be cautious of arguments reliant upon ex post reasoning. Id. at 1742. Specifically, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected in an attempt to arrive at the claimed invention.

Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicant requests that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 1-25 and 27-41 be withdrawn.

In view of the foregoing amendment and remarks, all of the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

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